

**Notice of Allowability**

Application No.

09/640,437

Examiner

James H. Zurita

Applicant(s)

CROUTHAMEL ET AL.

Art Unit

3625

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12 February 2007.
2. ☒ The allowed claim(s) is/are 53-69.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

### **Notice of Allowability**

The Action of 23 September 2004 is hereby vacated.

Applicant's submission of 12 February 2007 has been entered.

Applicant submitted claims 53-69.

Claims 53-69 are allowed. Claims 53, 63 and 67 are independent.

### **Reasons for Allowance**

Applicant's amendment and remarks of 12 February 2007 are persuasive.

An updated search was carried out on 10-13 April 2007.

The prior art does not disclose and does not reasonably teach and suggest the combination of features present in each independent claims, including the steps of

- storing a first set of product data in the clearinghouse database, the first set of data being extracted from the merchant database;
- receiving at the clearinghouse site a first registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;

Art Unit: 3625

- using at the clearinghouse site the first registration document by placing a second set of product data, extracted from the first set of data stored in the clearinghouse database, into database fields that comply with the database format specified in the first registration document; and
- transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data for storage in the partner site database whereby the stored, second set of product data is made accessible to a consumer visiting the partner site to thereby allow for viewing at the partner site of information concerning merchant site product offerings without requiring the consumer to visit the merchant site directly.

### **Discussion of Closest Prior Art**

The closest US patent is previously cited Conklin (US 6338050). However, Conklin does not disclose and does not teach and suggest

- storing a first set of product data in the clearinghouse database, the first set of data being extracted from the merchant database;
- receiving at the clearinghouse site a first registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;
- using at the clearinghouse site the first registration document by placing a second set of product data, extracted from the first set of data stored in the clearinghouse database, into database fields that comply with the database format specified in the first registration document; and
- transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data for storage in the partner site database whereby the stored, second set of product data is made accessible to a consumer visiting the partner site to thereby allow for viewing at the partner site of information concerning merchant site product offerings without requiring the consumer to visit the merchant site directly.

The closest foreign patent is Bard et al., CA2237109, published 7 November 1998 in Canada. However, Bard provides no disclosure and does not suggest and teach the combination of features cited above.

The closest non-patent literature is "Thomson Financial Services Acquires EDI World, Inc.; Thomson Financial Publishing to Expand Electronic Commerce Initiatives", *Business Editors*. Business Wire. New York: Apr 6, 1998. pg. 1, downloaded from ProQuest on the Internet on 13 April 2007, 2 pages. However, the document does not

Art Unit: 3625

provide details and does not teach and reasonably suggest the combination of steps including:

- storing a first set of product data in the clearinghouse database, the first set of data being extracted from the merchant database;
- receiving at the clearinghouse site a first registration document that specifies a database format for use by the clearinghouse site in transmitting product data to the partner site, the registration document being transmitted to the clearinghouse site from the partner site via the communication network;
- using at the clearinghouse site the first registration document by placing a second set of product data, extracted from the first set of data stored in the clearinghouse database, into database fields that comply with the database format specified in the first registration document; and
- transmitting from the clearinghouse site to the partner site via the communication network the formatted second set of product data for storage in the partner site database whereby the stored, second set of product data is made accessible to a consumer visiting the partner site to thereby allow for viewing at the partner site of information concerning merchant site product offerings without requiring the consumer to visit the merchant site directly.

### **Comments by Applicant**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statements for Reasons for Allowance."

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James H. Zurita whose telephone number is 571-272-6766. The examiner can normally be reached on 8a-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**James Zurita**  
**Primary Examiner**  
**Art Unit 3625**  
13 April 2007

*James Zurita*  
*Primary Examiner*